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OA No. 488 of 2007

Nanda Kishore Mohanta Applicant

Versus

UOI & Ors.

.... Respondents

1. Order dated 15th September, 2009.

C O R A M

THE HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER (J)

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THE HON'BLE MR. C.R. MOHAPATRA, MEMBER (A)

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One Shri Nanda Kishore Mohanta of Village and
Post Bartania in the District of Keonjhar by filing this Original
Application under section 19 of the Administrative Tribunal has
prayed for the following direction:

- “(i) to direct and declare the continuance of Respondent N.3 after 22.10.2001 is illegal and further declare all the payments made to Respondent No.3 is illegal and direct to recover the same from Respondent Nos.3 to 5;
- (ii) Direct the Respondent Nos.1 & 2 to treat the applicant to be continuing in service as GDSBPM of Bartania BO w.e.f. 1.5.2002 (i.e. the next day after completion of training) with all consequential benefits including pay and allowances;
- (iii) Impose exemplary cost on Respondent Nos.4&5 and pay the same to applicant. And any other order as the Hon'ble Court deems just and proper in the interest of justice.”

2. It has been stated by the Respondents in their counter that the joining of the applicant could not be effected due to various court cases before this Tribunal as also before the Hon'ble High Court and the Hon'ble Apex Court. It was neither intentional nor deliberate rather due to various orders passed at different times in several litigations either filed by

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others or by the Applicant. Accordingly, they have opposed the stand of the Applicant taken in this OA.

3. Heard the rival submission of the parties and perused the materials placed on record.

4. The first prayer made by the Applicant seems to be in the form of public interest litigation. No document has been filed by the applicant showing the continuance of Respondent N.3 after 22.10.2001. Similar is the situation so far as the prayer for recovery of the amount from the Respondents 3 to 5. Law is well settled that no public interest litigation is maintainable in this Tribunal. Hence, this prayer of the Applicant is rejected. Like wise there can be no direction for payment of the wages when admittedly the applicant had not worked after taking the training. According to the Respondents he could not discharge the duties due to either the restraint orders of the Courts or not handing over the charge by the previous incumbent.

5. In view of the above, we find no merit in this OA. Hence for this discussion made above, this OA stands dismissed. No costs.


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


(C.R. MOHAPATRA)
MEMBER (ADMN.)